

REMARKS

Allowable Subject Matter

Applicants thank the Examiner for recognizing that the subject matter of claims 20-24 is allowable and that the subject matter of claims 4, 14 and 27-30 would be allowable if minor informalities are corrected or if their subject matter is combined with that of other claims.

Claim Objections

Claims 1, 4-8, 11, 14-17, 27-30 were objected to by the Examiner. Applicants have revised these claims and respectfully submit that the objections are now moot.

35 USC § 102 Rejections

Claims 1, 5-8, 11, 15-27 were rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,798,779 to Shimbashi et al ("Shimbashi"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention include the feature of examining a SONET/SDH path overhead byte. Shimbashi does not disclose or suggest such an overhead byte.

In the Office Action the Examiner equates Shimbashi's STS POH (See e.g., FIG. 16, FIG 18, and Col. 14, Lines 42-44) to the claimed SONET/SDH

path overhead byte. However, an STS POH is not the same as, nor the equivalent of, the claimed SONET/SDH path overhead byte.

Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of claims 1, 5-8, 11, 15-27.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By



John E. Curtin, Reg. No. 37,602
P.O. Box 1995
Vienna, Virginia 22183
(703) 266-3330